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NEW METHOD OF DEATH PENALTY IN NEVADA

effect is part and parcel of the sentence, as is also whatever mental suffering is endured. If one method involves less of either than the other, there is an alternative that suggests a want of uniformity in the sentence of death. If there is no material difference in the modes of infliction, then why would the law be enacted? The very enactment of the law presupposes that it speaks regarding as matter of substance and not of form." J. W. G.

Should the Accused Be Forced to Testify in His Own Case?—Hon. R. A. Burch, justice of the Supreme Court of Kansas, in a recent address before the State Association of County Attorneys of Kansas advocated a change in the criminal code so as to require accused persons to testify in regard to the facts of any charge against them. Among other things, he said:

"Attention has been called to the fact that laws and institutions suffer in the estimation of the people because, having been established for conditions now outgrown, they resist their own improvement too long and are inadequate to meet the needs which social progress has evolved. A single illustration from the criminal law may be considered. Many a guilty man escapes punishment, to the confusion and humiliation of the law and order forces, because he can not be required to testify and because as a corollary, his failure to testify can not be considered to his prejudice. The prosecution must disclose everything to him. The names of all known material witnesses for the state must be indorsed on the indictment or information at the time it is filed. The accused then sits by until the last item of evidence against him has been introduced at the trial when he springs a story carefully prepared to suit the exigencies of the case, or, if he chooses, remains silent while the court in solemn phrase instructs the jury that he is presumed to be innocent of every element of the offense charged against him and that no inference can be drawn from his failure to testify. The existing rules had their origin in humane efforts to protect unhappy prisoners who had no counsel, who could not testify at the trial and who could not appeal from star chamber practices and from the barbarities of a penal system which is now regarded with feelings of horror. At the present time there is no valid reason why a person charged with crime should not be obliged by law to testify at any stage of the proceedings precisely the same as any other witness with knowledge of the facts."

Suggestions as to Trial Procedure.—In a recent article in the *Chicago Legal News*, Franklin A. Beecher lays down a number of propositions which, in his judgment, ought to govern in the procedure of a criminal trial. He says:

"Of all the departments of human knowledge, law is the least progressive. In many respects it still continues in the old trodden path of tradition, and any suggestion to deviate from the old beaten path is met with the argument that the old principles as established by the judges and jurists of the past are the best, because they were the result of that mysterious gift of legal lore and logic by which the law became the perfection of human reason, so that nothing is left for the modern judge and jurist to do but to follow in the path of the past. Trial procedure is very much the same today as it was in the sixteenth century. With few changes in evidence, especially relating to competency of witnesses, etc., the law of evidence has undergone comparatively few changes.